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Karen Theel

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EXAMINER

ARAQUE JR, GERARDO

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/666,403	Applicant(s) THEEL ET AL.	
	Examiner Gerardo Araque Jr.	Art Unit 3689	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 December 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 and 26-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 and 26-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 112, first paragraph

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. **Claims 1 – 12, 27 – 35** are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

4. In regards to **claims 1, 3, 27, 29, and 34**, the applicant claims:

one or more first interfaces;

one or more second interfaces;

one or more third interfaces;

one or more fourth interfaces; and

one or more fifth interfaces;

wherein each interface is designed for a specific function.

However, the Examiner asserts that there is no support for having a first, second, third, fourth, or fifth in addition to having one or more of each type of interface. The Examiner asserts that the specification specifically discloses that only one or more interfaces are provided and that the specification does not provide any disclosure of a first, second, third, fourth, or fifth interface. It is asserted that providing a plurality of interfaces is not equivalent to providing one or more first interfaces; one or more second interfaces; one or more third interfaces; one or more fourth interfaces; and one or more fifth interfaces.

Moreover, the Examiner asserts that the manner in which the applicant is claiming the interfaces is being claimed in a manner that is being understood that the user is defining/programming a plurality of interfaces and creating a fourth interface based on the first, second, and third interface. Specifically, the applicant claims:

receiving input via the one or more first interfaces indicative of a set of requirements for a first stability study.

However, the specification provides no disclosure of a user inputting information to define a set of requirements. The specification has only provided disclosure that a user is presented with an interface that requests the user to input information to satisfy the requirements that are being displayed to the user through the interface. For example, the Examiner finds this to being equivalent to a user that is being provided with an interface, wherein the interface asks for the user's name.

The applicant continues on to claim:

displaying, on the at least one display device, one or more second interfaces that enable a user to create workflow, associated with stages of stability studies, a workflow including information configured to prompt a

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user to perform one or more actions that need to be taken during a stage associated with a stability study in order to fulfill requirements specified for the stability study.

However, the Examiner asserts that there is no disclosure in the specification of a user using an interface to create a workflow, i.e. prompts. It is asserted to the Examiner that the applicant is attempting to disclose that the user is programming an interface to display prompts. However, the specification has only provided a disclosure wherein a user inputs information based on what the prompts require. Using the example above, the Examiner is asserting that the applicant is claiming that the user is programming an interface to display an "input name" field. However, as stated above, the specification does not disclose this. What the specification is disclosing is that the "input name" field has already been programmed into the applicant's invention and that the workflow is the interface requiring the user to input their name into the name field. That is to say, it is not the user that is programming the interface to create an interface that asks a user to input their name in the appropriate name field, but that an interface is being provided to a user wherein the interface contains a prompt that requires the user to input their name. In other words, the displayed interface is not enabling a user to create a prompt, but enabling the user to input information that the prompt is requesting.

The applicant continues on to claim:

displaying, on the at least one display device, one or more third interfaces that enable a user to specify business rules for stability studies.

However, the Examiner asserts that there is no support in the specification of the user specifying business rules. As defined by the specification, business rules are nothing more than logic used to determine if the inputted information is acceptable. In

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other words, business rules are nothing more than the program code that has already been preprogrammed and is code that just verifies whether the inputted information is correct, whether all fields have been filled in or whether the inputted information is correct.

The applicant continues on to claim:

generating one or more fourth interfaces for the first stability study with a data processing device based on the set of requirements that need to be fulfilled for the first stability study, the set of workflows associated with the plurality of stages of the first stability study, and the set of business rules, wherein the one or more fourth interfaces define the set requirements for the stability study.

However, as discussed above, the specification does not disclose that the user is performing any programming and, as such, there is no disclosure of generating a fourth interface based on information from the interfaces that are being claimed as being programmed by the user. Moreover, there is also no disclosure of ever generating an interface. On the contrary, the specification discloses that the interfaces are provided to the user in order to enable the user to input information, have it validated, and stored.

In regards to **claim 3 and 29**, the applicant continues on to claim:

if the set of requirements have not been completed, outputting, on the at least one display device, one or more fifth interfaces requesting additional input information for the requirements in the set of requirements that have not been completed.

However, as discussed above, there is no generation of a fifth interface that is specifically designed for the above mentioned claim limitation. The specification just discloses a plurality of interfaces and does not disclose a first, second, and etc. of interfaces.

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5. In regards to **claims 1, 27, and 34**, the Examiner asserts there is no support for a plurality of stability studies. Specifically, there is no disclosure of a first stability study or of a second stability study that uses information from the first stability study, as claimed in **claim 35**.

6. In regards to **claims 1, 3, 7, and 10**, the Examiner asserts that there is support the method to be carried out on more than one display device. It is asserted that the specification only provides support that the interfaces are displayed on only one display.

Claim Rejections - 35 USC § 112, second paragraph

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. **Claims 1 – 12 and 27 – 35** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

9. In regards to **claims 1 - 12 and 27 – 34**, the Examiner is uncertain of why the applicant discloses a first stability study when there are no subsequent studies. What is the difference between a first stability study and a stability study?

10. In regards to **claims 1, 27, and 34**, the Examiner asserts that the term “enable” is not a positive recitation for the intended action that the applicant wants the user to carry out. The Examiner asserts that “enabling” a user to perform a specified task is no different than “allowing” a user to perform the specified task.

11. In regards to **claims 1, 3, 27, 29, and 34**, it is unclear to the Examiner how one can have one or more first interfaces. By stating a first interface the applicant has

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effectively stated that there is only one interface and not a plurality of interfaces. In other words, it is not possible to have a plurality of first interfaces. If one were to have a plurality of first interfaces one would no longer have a first interface. The same holds true for the second, third, fourth, and fifth interfaces.

12. In regards to the function of the fourth interface, as disclosed in **claim 1, 27, and 34**, it is unclear on what the fourth interface is. Specifically, why is there any reason to create a plurality of fourth interfaces when the plurality of first, second, and third interfaces have already accomplished what the plurality of fourth interface is attempting to perform? Since there is a plurality of fourth interfaces it is asserted that this is nothing more than just a plurality of interfaces. With that said, the same logic holds true for the plurality of first, second, and third interfaces. In the end, the applicant is just creating redundant data since the applicant is generating a plurality of interfaces from the previous set of plurality of interfaces.

13. In regards to the validation step, disclosed in **claims 1, 27, and 34**, it is unclear on which inputted information is being validated. In other words, is it in the inputted data from the plurality of first interfaces? The second? The third? The fourth?

Claim Rejections - 35 USC § 101

14. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

15. **Claims 1 – 12** are rejected under 35 U.S.C. 101. Based on Supreme Court precedent and recent Federal Circuit decisions, the Office's guidance to an examiner is that a § 101 process must (1) be tied to a particular machine or apparatus or (2)

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transform underlying subject matter (such as an article or materials) to a different state or thing. *Diamond v. Diehr*, 450 U.S. 175, 184 (1981); *Parker v. Flook*, 437 U.S. 584, 588 n.9 (1978); *Gottschalk v. Benson*, 409 U.S. 63, 70 (1972); *Cochrane v. Deener*, 94 U.S. 780, 787-88 (1876).

To qualify as a § 101 statutory process, the claim should recite the particular machine or apparatus to which it is tied, for example by identifying the machine or apparatus that accomplishes the method steps, or positively reciting the subject matter that is being transformed, for example by identifying the material that is being changed to a different state.

There are two corollaries to the machine-or-transformation test. First, a mere field-of-use limitation is generally insufficient to render an otherwise ineligible method claim patent-eligible. This means the machine or transformation must impose meaningful limits on the method claim's scope to pass the test. Second, insignificant extra-solution activity will not transform an unpatentable principle into a patentable process. This means reciting a specific machine or a particular transformation of a specific article in an insignificant step, such as data gathering or outputting, is not sufficient to pass the test.

Here, applicant's method steps fail the first prong of the new test because the applicant has not provided a particular machine to perform the claimed invention. It is asserted that the claimed display device and data processing device are nothing more than an insignificant extra solution activity since it is the user and not the devices that are performing the required tasks or the necessary determination steps. For example,

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the specification and **claim 12** specifically disclose that it is the user that determines the results, i.e. performs the necessary calculations that need to be stored in the system.

Further, applicant's method steps fail the second prong of the test because the claim has not provided any transformation of information. It is asserted that the claimed invention is nothing more than a computer system that receives and stores inputted data from a user.

16. **Claims 34 – 35** are rejected under 35 U.S.C. 101 because the applicant is claiming a system with no structural components. As best understood by the Examiner from the applicant's specification, the limitations set forth in the claims are directed to software and software, per se, is not statutory. Moreover, the Examiner notes that the applicant is claiming the system by what it does and not by the structure to perform the claimed invention.

Claim Rejections - 35 USC § 103

17. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

18. **Claims 1 – 5, 7 – 12, 27 – 35** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Goodwin et al. (US PGPub 2002/0023057A1)**.

19. In regards to **claims 1, 27, and 34**, **Goodwin** discloses a method for managing stability studies, the method comprising:

displaying, on at least one display device, one or more first interfaces that enable a user to create stability studies by specifying requirements that need to be fulfilled for the stability studies **(Figures 8A, 8B wherein a first interface is provided that enables a user to begin a process by specifying what it is that they would like to perform)**;

receiving input via the one or more first interfaces indicative of a set of requirements for a first stability study **(Figures 8A, 8B wherein the user is required to input their selection in order to proceed)**;

displaying, on the at least one display device, one or more second interfaces that enable a user to create workflows associated with stages of stability studies, a workflow including information configured to prompt a user to perform one or more actions that need to be taken during a stage associated with a stability study in order to fulfill requirements specified for the stability study **(Figures 9A – 9N; 10B – 10O; 11C – 11L wherein the user is prompted to enter required information pertaining to their selection of their desired process in order to fulfill the requirements specified by the process/selection)**;

receiving input via the one or more second interfaces indicative of a set of workflows associated with a plurality of stages of the first stability study, each workflow specifying a set of actions that need to be taken during each stage in the plurality of stages of the first stability study **(Figures 9A – 9N; 10B – 10O; 11C – 11L wherein the user inputs the prompted required information, wherein each prompts specifies the set of actions that are needed)**;

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displaying, on the at least one display device, one or more third interfaces that enable a user to specify business rules for stability studies **(see at least Figures 9A – 9N; 10A – 10O; 11A – 11L wherein business rules are provided in order to allow the interfaces to carryout their function and wherein the user is also allowed to enter their business rules for the interface to carry out);**

receiving input via the one or more third interfaces indicative of a set of business rules for the first stability study **(see at least Figures 9A – 9N; 10A – 10O; 11A – 11L wherein the user inputs the required information);**

generating one or more fourth interfaces for the first stability study with a data processing device based on the set of requirements that need to be fulfilled for the first stability study, the set of workflows associated with the plurality of stages of the first stability study, and the set of business rules, wherein the one or more fourth interfaces define the set of requirements for the stability study **(see at least Figures 8A – 8B; 9A – 9N; 10A – 10O; 11A – 11L wherein the plurality of interfaces are based on the requirements for carrying the selected process, the prompts associated with each stage of the process, and the business rules to carry out the selected process);**

displaying, on the at least one display device, the one or more fourth interfaces **(Figures 8A – 8B; 9A – 9N; 10A – 10O; 11A – 11L wherein the plurality of interfaces are displayed);**

receiving input information via the one or more fourth interfaces, the received input information for fulfilling the requirements **(Figures 8A – 8B; 9A – 9N; 10A – 10O;**

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11A – 11 wherein the user inputs the necessary information in order to fulfill the requirements pertaining to the selected process); and

validating the received input information using the data processing device against the set of business rules for the stability study to determine whether the input information is acceptable **(see at least Figures 8B; 9C; 9J; 10I; 10L; 11J; 12A # 1206-1212 wherein the inputted information is validated against the business rules that the interfaces abide by in order to determine whether the inputted information is acceptable).**

Regarding the limitation that the interfaces are directed towards a stability study, the Examiner asserts this to be non-functional descriptive subject matter. Although, the claims are directed to an interface for the express purpose of cataloging/inputting information regarding a stability study it is asserted that the type of information carries no functional/patentable weight on how the method is carried out. That is to say, the type of data that is being inputted does not affect how the method is carried out or how the interfaces interact with the user. One of ordinary skill in the art would have recognized that the claimed invention is merely providing a user with a plurality of interfaces that allow a user to input the requested information through the use of prompts and determine whether the inputted/submitted information is valid. The type of data that is being inputted and/or requested adds little, if anything, to the steps of the method as currently claim, that is to say providing an interactive interface that validates the inputted/submitted data does not serve as a limitation on the claims to distinguish it over the prior art. Currently the steps of the method that include the data regarding the

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stability study are merely insignificant extra solution activity, since the steps are drawn to merely the gathering of information/data. In other words, the fact that the data being gathered relates to a stability study is non-functional since this information is not being used by a particular machine to calculate or make any sort of determination, nor is it being used in a manner that requires any sort of processing that is specific to a stability study. As claimed, the steps of the invention would be performed the same regardless of what the inputted/submitted information is directed to.

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to incorporate stability study information into the interface as disclosed by **Goodwin** since it would have been obvious to one having ordinary skill in the art that the claimed invention is providing nothing more than a graphical user interface/wizard and that it would not have been uniquely challenging or difficult to adjust the parameters (requested data) to suit the need of the user, in this case inputting information regarding a stability study. Moreover, one of ordinary skill in the art would have recognized this since the results would have been predictable and the claimed invention does not distinguish how inputting information regarding a stability study is any different than inputting the information disclosed by **Goodwin**. In other words, the fact that the data is in regards to a stability study is non-functional since it is not being used in a manner that requires sufficient processing that is specific to a stability study.

20. In regards to **claims 2 and 28**, **Goodwin** discloses further comprising if the input information is acceptable, storing the input information using a storage device (**see at**

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least Page 3 ¶ 61 – 62 wherein the invention is performed using a computer, which contains a storage device, and wherein the inputted information, such as a user's login information, is stored in the system).

21. In regards to **claims 3 and 29**, Goodwin discloses further comprising:

determining whether the set of requirements for the first stability study have been completed **(see at least Page 8 ¶ 114 wherein the process does not proceed onto the next step until all of the requirements are completed)**; and

if the set of requirements have not been completed, outputting, on the at least one display device, one or more fifth interfaces requesting additional input information for the requirements in the set of requirements that have not been completed **(see at least Page 8 ¶ 114; Figures 9J; 10K; 17E; 17F; 22A; wherein an interface is provided indicating that additional information is required before proceeding)**.

22. In regards to **claims 4 and 30**, Goodwin discloses further comprising:

determining whether approval from a user is needed for the input information based on the set of workflows **(Figures 9D; 9E; 9I; 9L – 9N; 10C; 10E; 10F; 10I; 11L wherein determining whether approval from a user is needed based on the prompts)**.

23. In regards to **claims 5 and 31**, Goodwin discloses further comprising: receiving an indication of approval from the user; and storing the indication using a storage device **(Figures 9D; 9E; 9I; 9L – 9N; 10C; 10E; 10F; 10I; 10L; 11L; wherein the user inputs their approval; see also at least Page 3 ¶ 61 – 62 wherein the invention is performed using a computer, which contains a storage device, and wherein the**

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inputted information, such as a user's login information, is stored in the system wherein).

24. In regards to **claims 7 and 33**, **Goodwin** discloses further comprising:

receiving an indication from the user of disapproval (**see at least Figures 7A – 7D wherein a user provides an indication to cancel the selected process**);

determining requirements that need to be completed for approval (**see at least Figures 7A – 7D wherein information that has yet to be entered will require the user to input the required information before proceeding, as discussed above, while information that has already been inputted in stored in the system**); and

outputting, on the at least one display device, one or more fifth interfaces defining the determined requirements that need to be completed for approval (**see at least Figures 7A – 7D; Figures 9D; 9E; 9I; 9L – 9N; 10C; 10E; 10F; 10I; 11L wherein determining whether approval from a user is needed based on the prompts**).

25. In regards to **claim 8**, **Goodwin** discloses wherein the one or more second interfaces include an interface for a stage in the plurality of stages in the first stability study (**Figures 9A – 9N; 10B – 10O; 11C – 11L wherein a plurality of interfaces are provided for each stage of the process**).

26. In regards to **claim 9**, **Goodwin** discloses wherein the plurality of stages comprise at least two of a stability study setup criteria, stability study planning criteria, initial sampling and testing criteria, stability study launch criteria, stability study testing criteria, and stability study evaluation criteria (**see at least Figures 11C – 11G; 11I;**

11J; 11K wherein a plurality of stages are providing for planning, sampling, testing, and evaluating are provided).

27. In regards to **claim 10, Goodwin** discloses further comprising outputting, on the at least one display device, information summarizing the first stability study (**see at least Figure 10O; 11L; 13C13J; 13K; wherein the summary of the process is displayed to the user).**

28. In regards to **claims 11 – 12, Goodwin**, as discussed above, fails to disclose inputting information regarding a stability study. However, as discussed above, it is asserted that although the information is in regards to a stability study the inputted information and the fact that the interfaces are for a case study are non-functional descriptive subject matter.

Although, **Goodwin** does not disclose:

further comprising determining a result of the first stability study; and

wherein the result (stability study result) is inputted by a user;

it is still asserted that the inputted information is non-functional descriptive subject matter. As discussed above, the Examiner asserts that the invention is not directed towards a stability study, but the use of interfaces as a means of inputting and storing information. Again, the steps of the method that include data regarding a stability study are merely an insignificant extra solution activity, since the steps are drawn to merely the gathering of information/data and the data being gathered is not being used by a particular machine to calculate or make any sort of determination, nor is it being used in a manner that requires any sort of processing that is specific to a

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stability study. As shown in **claim 12** it is disclosed that the user is doing the determination and calculation of the results and the interface is merely a means of allowing a user to input information for storage. As claimed, the steps of the invention would be performed the same regardless of what the inputted/submitted information is directed to so long as the interface is capable of receiving, validating, and storing information, which is, indeed, disclosed by **Goodwin**.

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to incorporate stability study information into the interface as disclosed by **Goodwin** since it would have been obvious to one having ordinary skill in the art that the claimed invention is providing nothing more than a graphical user interface/wizard and that it would not have been uniquely challenging or difficult to adjust the parameters (requested data) to suit the need of the user, in this case inputting information regarding a stability study. Moreover, one of ordinary skill in the art would have recognized this since the results would have been predictable and the claimed invention does not distinguish how inputting information regarding a stability study is any different than inputting the information disclosed by **Goodwin**. In other words, the fact that the data is in regards to a stability study is non-functional since it is not being used in a manner that requires sufficient processing that is specific to a stability study.

29. In regards to **claim 35**, **Goodwin** discloses wherein the first interface is further configured to enable the user to create a specification for a first stability study as an overlay using a specification for a second stability study as a base (**see at least**

Figures 7D; 10M; 19B – 19F; 31C wherein previously stored information from a previous process is stored and can be used/updated for a later process).

30. **Claims 6 and 32** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Goodwin et al. (US PGPub 2002/0023057A1)** in view of **Lawrence D. Casiraya (Industries can issue digital certificates to hike security)**.

31. In regards to **claims 6 and 32**, **Goodwin** is discussed above and further discloses inputting personal identification information, such as credit card information, authority information, and social security numbers. As it can be seen it would have been obvious to one having ordinary skill in the art that **Goodwin** provides sufficient teaching to allow one having ordinary skill in the art to recognize that **Goodwin** does, indeed, disclose various means of user authentication and security.

However, **Goodwin** fails to disclose the specific user authentication and security: wherein the indication comprises at least one of an electronic signature and captured signature.

However, **Casiraya** discloses that the use of digital signatures is an old and well known concept in increasing security and allows for the issuing of cross-certification among industries and be interoperable. Since each individual element and its function are known in the prior art, albeit shown in separate references, the difference between the claimed subject matter and the prior art rests not on any individual element or

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function but in the very combination itself, that is in the substitution of personal identification information, such as credit card information, authority information, and social security numbers of **Goodwin** for the digital signatures of **Casiraya**.

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention that the simple substitution of one known element for another producing a predictable result renders the claim obvious and would not be uniquely challenging or difficult for one having ordinary skill in the art.

Response to Arguments

32. Applicant's arguments with respect to **claims 1 – 12 and 27 – 35** have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

33. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure can be found in the PTO-892 Notice of References Cited.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerardo Araque Jr. whose telephone number is (571)272-3747. The examiner can normally be reached on Monday - Friday 8:30AM - 4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Janice Mooneyham can be reached on (571) 272-6805. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/G. A./
Examiner, Art Unit 3689
5/7/09

/Dennis Ruhl/
Primary Examiner, Art Unit 3689